

**VIGO COUNTY SUPERIOR COURT
CASE DISTRIBUTION PLAN**

Effective April 1, 2005, we, the undersigned judges of the Vigo Superior Courts, hereby adopt Amended Local Rule 17, entitled "Vigo Superior Court Plan for Allocation of Judicial Resources."*

AMENDED RULE 17

CRIMINAL CASES (CR)

- (A) Except for felony offenses relating to the operation of a motor vehicle, domestic batteries, or controlled substances, the following rotation for felony cases is adopted for Superior Court Division 1 and Circuit/Superior Court Division 3, and is based upon the time of the occurrence of the offense:
- (1) Offenses occurring between 12:01 A.M. on the first day of each month through midnight on the 15th day of each month will be assigned to Superior Court Division 1.
 - (2) Offenses occurring between 12:01 A.M. on the 16th day of each month through midnight of the last day of that month will be assigned to Circuit/ Superior Court Division 3.
 - (3) In the case of multiple offenses, the date of the earliest offense alleged in the charging document shall assign the rotation date and assignment of the court. If a case involves both felony and misdemeanor charges, the case shall be considered a felony for application of this rule.
- (B) All criminal misdemeanor and Class D felonies arising out of domestic relations shall be assigned to Superior Court Division 4.

*New language is in bold print.

- (C) All criminal misdemeanor and Class D felonies relating to controlled substances shall be assigned to Superior Court Division 5. All criminal misdemeanor and D felonies relating to the operation of a motor vehicle shall be assigned to Superior Court Division 5. Habitual Traffic Violator charges filed as Class C felonies shall be assigned to Superior Court Division 5.
- (D) The following rotation for criminal misdemeanor offenses is adopted for Superior Court Division 4 and Superior Court Division 5:
- (1) Misdemeanor offenses occurring between 12:01 A.M. on the first day of each month through midnight on the 15th day of each month will be assigned to Vigo Superior Court Division 4.
 - (2) Misdemeanor offenses occurring between 12:01 A.M. on the 15th day of each month until midnight on the last day of that month will be assigned to Vigo Superior Court Division 5.
 - (3) In the case of multiple offenses, the date of the earliest offense alleged in the charging document shall assign the rotation date and assignment of the court. If a case involves both felony and misdemeanor charges, the case shall be considered a felony for application of this rule.
- (E) A judge of the Circuit or Superior Courts, by appropriate order entered in the record of judgments and orders, may transfer and reassign a case to any other court of record in the county with jurisdiction to hear the charged offense subject to acceptance by the receiving court.
- (F) When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which the dismissal was taken.
- (G) In the event additional charges are filed against a criminal defendant subsequent to the assignment of the case, all such additional charges shall be assigned to the court of initial assignment provided it has jurisdiction.
- (H) (1) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 1, the case shall be reassigned, first, to the judge of Superior Court Division 3.

If the judge of Superior Court Division 3 cannot accept jurisdiction, the case will then be reassigned to either Superior Court Division 4 or Superior Court Division 5, on a rotating basis.

- (2) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 3, the case shall be reassigned, first, to the judge of Superior Court Division 1. If the judge of Superior Court 1 cannot accept jurisdiction, the case will then be reassigned to either Superior Court Division 4 or Superior Court Division 5, on a rotating basis.
- (3) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 4, the case shall be reassigned, first, to the judge of Superior Court Division 5. If the judge of Superior Court Division 5 cannot accept jurisdiction, the case will then be reassigned to either Superior Court Division 1 or Superior Court Division 3, on a rotating basis.
- (4) In the event a change of judge is granted or it becomes necessary to assign another judge in any criminal proceeding in Superior Court Division 5, the case shall be reassigned, first, to the judge of Superior Court Division 4. If the judge of Superior Court Division 4 cannot accept jurisdiction, the case will then be reassigned to either Superior Court Division 1 or Superior Court Division 3, on a rotating basis.
- (I) In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for appointment of a Special Judge. In the event the judge presiding in a felony or misdemeanor case concludes that special circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, the presiding judge may request the Indiana Supreme Court make such appointment.
- (J) This rule does not prohibit the filing of appropriate criminal offenses in the Terre Haute City Court to the extent of its jurisdiction.

DISSOLUTION ACTIONS (DR)

The filing of dissolution actions shall be filed in the following proportionate rotation:

Vigo Superior Court Division 2	-	60%
Vigo Superior Court Division 1	-	20%
Vigo Superior Court Division 3	-	20%

PROBATE CASES (PR)

The filing of probate matters shall be filed in the following proportionate rotation:

Vigo Superior Court Division 2	-	50%
Vigo Superior Court Division 3	-	50%

CIVIL TORT (CT)

The filing of civil tort actions shall be divided equally among Vigo Superior Courts Division 1, Division 2, and Division 3 on a random rotation basis.

CIVIL PLENARY (PL)

The filing of civil plenary actions shall be divided equally among all Vigo Superior Courts on a random rotation basis.

CIVIL COLLECTIONS (CC)

The filing of civil collection actions shall be divided equally among all Vigo Superior Courts on a random rotation basis.

MORTGAGE FORECLOSURES (MF)

The filing of mortgage foreclosures shall be divided equally among all Vigo Superior Courts on a random rotation basis.

SMALL CLAIMS (SC)

The filing of small claims actions shall be in the following proportionate rotation:

Vigo Superior Court Division 4	-	60%
Vigo Superior Court Division 5	-	40%

PROTECTIVE ORDERS (PO)

Petitions for protection orders and workplace restraining orders shall be filed in Vigo Superior Court Division 4 except for protection order petitions filed by a party:

1. to a pending marriage dissolution case or to a marriage dissolution case in which a decree has been entered and there are minor children of the parties. These petitions shall be filed in the Court presiding over the dissolution action.

2. to a pending paternity case or who is a juvenile or naming a juvenile as respondent. These cases shall be filed in Juvenile Court.

MENTAL HEALTH CASES (MH)

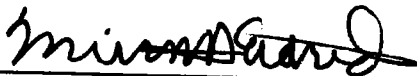
All mental health cases filed shall be in Vigo Superior Court Division 2.

JUVENILE COURT (JP)

To the extent of its jurisdiction, all juvenile matters shall be filed in the Juvenile Division of the Vigo Circuit Court.

As in the past, Vigo County Judges shall continue to cooperate with one another to insure the effective and efficient administration of justice by assisting one another with hearings, should they be available to do so.

Effective Date: April 1, 2005.

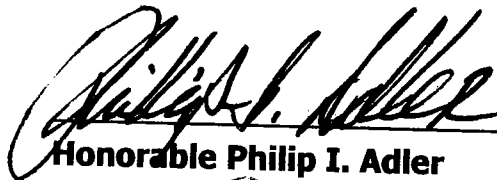


Honorable Michael H. Eldred
Judge, Division 1

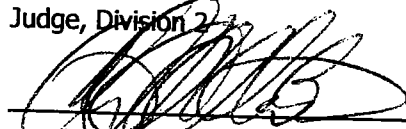


Honorable David R. Bolk

Judge, Division 3

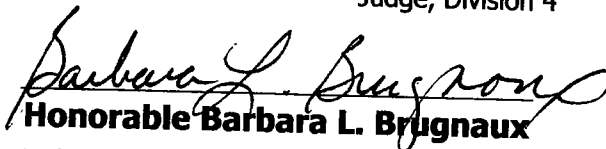


Honorable Philip I. Adler
Judge, Division 2



Honorable Christopher A. Newton

Judge, Division 4



Honorable Barbara L. Brugnaux
Judge, Division 5